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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic report of States parties due in 1998

Addendum

Sudan*

[9 March 2000]

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* The present document contains the ninth, tenth and eleventh periodic reports of the Sudan, due on 20 April 1994, 20 April 1996 and 20 April 1998 respectively. For the fifth, sixth, seventh and eighth periodic reports of the Sudan and the summary records of the meetings at which the Committee considered that report, see document CERD/C/222/Add.1 and 2 and CERD/C/SR.968, 970, 971 and 983.

The annexes to the report submitted by the Government of the Sudan may be consulted in the files of the secretariat.

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 4	4
II.	BASIC INFORMATION	5 - 15	4
III.	GENERAL LEGAL FRAMEWORK	16 - 48	6
IV.	CIVIL AND POLITICAL RIGHTS	49 - 132	11
	A. Right to equality and non-discrimination	49 - 51	11
	B. Right to equality before the law	52 - 55	12
	C. Right to life, safety and security of person	56 - 79	12
	D. Right to participate in elections, to vote and to be elected	80 - 85	15
	E. Right to freedom of movement and residence	86 - 91	16
	F. Right to a nationality	92 - 93	16
	G. Right to own property	94 - 99	16
	H. Right to freedom of thought, conscience and religion	100 - 111	17
	I. Right to freedom of opinion and expression	112 - 121	18
	J. Right to freedom of peaceful assembly and association	122 - 132	20
V.	ECONOMIC, SOCIAL AND CULTURAL RIGHTS	133 - 194	21
	A. Right to work	133 - 154	21
	B. Right to form and join trade unions	155 - 168	24
	C. Right to public health and medical care	169 - 172	27
	D. Right to education	173 - 194	28

CONTENTS (continued)

		Paragraphs	Page
VI.	PREVENTION OF DISCRIMINATION	195 - 197	31
VII.	COOPERATION WITH HUMAN RIGHTS BODIES	198	33
VIII.	GOVERNMENT POLICIES TOWARDS INTERNALLY DISPLACED PERSONS	199 - 221	34
IX.	ALLEGATIONS OF SLAVERY IN THE SUDAN	222 - 246	37
LIST OF ANNEXES			43

I. INTRODUCTION

1. The Government of the Sudan, since having acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1977, has been keen to fulfil its obligation under the Convention as well as to maintain a prospective dialogue with the Committee on the Elimination of Racial Discrimination (CERD), established under article 8 of the Convention, convinced that mutual understanding and common cooperation is the only way to ensure a safe and secure environment and effective protection for all citizens against racism and racial discrimination.

2. Unfortunately, despite the above-mentioned commitment, the Sudan has three periodic reports overdue by the year 1998 (ninth, tenth and eleventh reports due on 20 April 1994, 1996 and 1998). This is, in part, attributable to the lack of personnel trained in drafting reports. Nevertheless, the spirit of the Convention always was and still is part and parcel of the Sudan's national legislation.

3. The Government of the Sudan is firmly committed to the elimination of all forms of racism and to developing policies that address the problems of discrimination, intolerance and injustice. To this end, the Government of the Sudan participated in the meetings of CERD held in March 1999. It is also hereby presenting its report under article 9 of the Convention, which contains the above-mentioned overdue reports consolidated in one document as recommended by CERD at its fifty-third session. The present report represents an update covering the constitutional developments that have taken place, with annexes containing relevant legislation protecting and safeguarding the rights enumerated in the Convention. Accordingly, it covers civil and political rights, economic, cultural and social rights and other topics that were issues of concern in the conclusions and observations adopted during the fifty-fourth session of CERD.

4. The Government of the Sudan, in submitting this report, looks forward to extending its cooperation with CERD to the highest degree possible for the purpose of accomplishing the Committee's mandate effectively and efficiently in a world where values of true equality, tolerance and justice prevail.

II. BASIC INFORMATION

Location

5. The Republic of the Sudan lies in the north-eastern part of the continent of Africa.

Area

6. The area is 967,498 square miles. It extends from approximately latitude 4° N to latitude 23° N and longitude 24° E to longitude 38° E, thus being the largest State on the entire African continent.

Population

7. The population is 27 million persons according to the last census, carried out in 1993; the population consists of more than 570 tribes united by one homeland, purpose and destiny.

Borders

8. The Republic of the Sudan has common borders with nine States: Egypt in the north; the Libyan Arab Jamahiriya in the north-west; Chad and the Central African Republic in the west; the Democratic Republic of the Congo in the south-west; Uganda and Kenya in the south-east; and Eritrea and Ethiopia in the east.

Climate

9. The Republic of the Sudan is characterized by a tropical climate. The sun is overhead in all its parts twice a year. The climatic zones vary from the desert in the north to equatorial climate in the far south.

Economic activity

10. The Republic of the Sudan depends largely on agriculture: more than 66 per cent of the population depends on it to gain their living and agricultural crops constitute more than 90 per cent of exports.

11. Arable lands are estimated at one third of the total area of the Sudan. It includes several ecological zones, which helps in diversifying agricultural activity, and hence the number of crops. The Nile divides the country from the south to the north and its tributaries supply over 100 million cubic metres of water and play a prominent role in economic and agricultural development. Besides the Nile, there are many rivers and valleys and a great stock of underground water. In addition, the Sudan is endowed with a considerable range of rainfall.

12. Part of the male population (15 per cent) practise animal husbandry in areas where the climatic conditions do not permit agricultural activity and settlement.

13. The livestock population in the Sudan is estimated to be 100 million head, which includes cows, goats, cattle and camels distributed in all the States of the Sudan. The Sudan has an abundant supply of game and great river and sea fishing resources.

14. The Sudan has abundant mineral resources. The comprehensive national strategy, 1992-2000, placed a substantial emphasis on investment in mineral resources in order to enhance their role in the national economy.

15. In the field of energy, the Sudan depends on its forestry resources as well as hydro- and geothermal resources. The petroleum sector is receiving great attention owing to vast discoveries of petroleum in the south-west, central and eastern parts of the country. Today,

production amounts to 150,000 barrels per day with the expectation of increases with some technical adjustment. The petroleum travels 1,600 kilometres by pipeline to the export port on the Red Sea.

III. GENERAL LEGAL FRAMEWORK

16. Since independence in 1956, the Sudanese legislature has been keen to incorporate in the legislation and laws in force the values and principles which call for respect for and protection of human rights in the Sudan in such a way that the legislation, all in all, constitutes an integrated and effective framework of guarantees necessary for the preservation of civil, economic, social and cultural rights.

17. The main legislation which aimed to safeguard these rights are: the Constitution of the Republic of Sudan, 1956; the Amended Constitution of the Sudan, 1964; the Permanent Constitution of the Sudan, 1973; the Transitional Constitution of the Sudan, 1987; and the Sudan Constitution of 1998 (see annex 1).

The Sudan Constitution of 1998

18. Upon assumption of power in 1989 the current Government of the Sudan assumed the burden of laying down a lasting foundation for a Sudanese legal system based on the principle of law and respect for human rights.

19. Therefore, in July 1997 a National Commission was formed for the purpose of drafting a new Constitution for the Sudan. A total of 500 members representing the various geographical regions and the different social, political and intellectual forces participated in the Commission.

20. After eight months of work, the Commission submitted the draft Constitution to the National Assembly (the federal parliament) for adoption by the people's representatives. Thereafter, the draft Constitution was presented to the Sudanese people for referendum. The result was that 10,472,888 citizens voted in favour of the draft out of a possible electorate of 10,932,751, in addition to 130,000 Sudanese citizens resident abroad.

Features of the Constitution

21. The new Constitution of 1998 comprises 140 articles distributed to 9 parts and 21 chapters covering the guiding principles, freedoms and rights, executive, legislative and judicial powers and other constitutional organs. The main features of the Constitution are described below.

Nature of the State

22. Article 1 of the Constitution states that Sudan is an all-embracing homeland, wherein races and cultures coalesce and religions come together. Citizenship is the basis for general rights and duties and diversity is a source of strength and national unity.

Basic freedoms and rights

23. The Constitution guarantees the basic freedoms and rights, including the right to life and liberty, freedom of religion and of expression, association and assembly. The Constitution mandates the organs of the State to maintain such rights and the judiciary to guard and protect them. Furthermore, the Constitution prohibits the suspension of these rights even in a state of emergency and provides for their non-prejudice save by general popular referendum.

Justice system

24. The Constitution lays down a strong foundation for a justice system based on the rule of law and the independence of the judiciary, provides for the right to litigation and equality before law, guarantees safeguards for fair trial and provides for the right to redress and appeal. The Constitution calls for the establishment of a Constitutional Court, which will be the custodian of the Constitution and will have the jurisdiction to protect constitutional rights and freedoms.

Sources of legislation

25. The present Constitution, the same as previous Constitutions, adopts the Islamic shariah and custom as basic sources of legislation in addition to the will of the people expressed in a general referendum.

Democratic representation

26. Among the constants that have been confirmed by the Constitution is the adoption of free election and fair competition as prerequisites for the validity of government institutions, starting with the President of the Republic, the State governors and ending with the federal and State legislative institutions and the local government councils. The Constitution vests the administration of the elections in an independent body whose members shall be persons of efficiency, impartiality and propriety.

Presidential system

27. Since the Sudan is a multi-ethnic, multicultural and multireligious country, and suffers from weakness in communication and transportation owing to its vast geographical area, the presidential system has been seen as the most suitable system to preserve national unity and achieve political stability through a directly elected president with real powers.

Federal government system

28. The Constitution adopts the federal government system, dividing the country into 26 States, in order to preserve the ethnic, religious, cultural and linguistic identity of all minorities with their own particularities. It also provides them with equal economic and political opportunities reflected in a fair sharing of power and wealth. In this respect, and to realize a degree of cooperation, a national fund was established to support less developed States.

Transitional measures for the Southern Sudan

29. In order to give Constitutional Decree No. 14 (Khartoum Peace Agreement) the required legal force, it is regarded as part of the Constitution and shall continue for four years (the transitional period) ending with a general referendum in the South for either unity or separation.

Government organs

Presidency of the Republic

30. The President of the Republic is directly elected by the people. The Constitution stipulates that he must obtain more than 50 per cent of the total votes cast. The President of the Republic shall represent the supreme sovereignty of the country, hold the command of the regular forces, direct constitutional institutions, preside over the Council of Ministers, appoint Ministers and holders of constitutional federal posts and sign legislation passed by the legislative Assembly.

31. The President of the Republic shall be assisted by two Vice-Presidents and assistants whom he shall appoint and whose terms and functions he shall determine.

Federal executive authority

32. The authority shall be composed of a number of Ministers who shall individually and jointly be responsible to the federal legislative authority. The federal Government, represented by the Council of Ministers, is responsible for general planning for the exercise of authority, assuming the executive and administrative direction of any ministry and initiating draft legislative bills and the general budget.

State executive authority

33. Every State government shall be composed of a number of State ministers and commissioners. The State Governor, who shall represent the State and preside over the State Council of Ministers, chairs the State government. Powers of the State Council of Ministers shall be the same as the powers of the federal Council of Ministers on the level and within the borders of the State concerned.

National Assembly (Federal Parliament)

34. The National Assembly is the federal legislative authority, 75 per cent of whose members shall be elected by general direct suffrage from the geographical constituencies and 25 per cent by special or indirect suffrage, representing the social sectors such as women and youth or the professional classes such as lawyers, economists, diplomats and cultural, literal and artistic leaders.

35. The term of the National Assembly shall be four years and it shall not be dissolved before the end of the term. The National Assembly shall assume the function of passing plans and public policies, legislation, monitoring the performance of the Executive and the issuance of resolutions on public affairs.

State Legislative Assembly

36. The State Assembly shall assume the same legislative and consultative powers as the National Assembly for the State concerned and it shall be governed by the same constitutional provisions that govern the National Assembly.

Southern States Coordination Council

37. This Council has been established by virtue of the Khartoum Peace Agreement. It is composed of a Chairman and 14 Ministers in addition to the Governors of the 10 southern States and it is now chaired by Dr. Riek Mashar, the Assistant to the President of the Republic and the leader of the major armed faction that has signed the Peace Agreement. The Council assumes the power of coordination between the southern States in public policies issues and participates in the rehabilitation of the South and confidence-building to create a healthy environment for the referendum. The headquarters of the Council is Juba, the biggest city in the South. The term of the Council is four years, which coincides with the end of the provisional period stated in the Peace Agreement.

Judiciary

38. The Constitution provides for the establishment of an independent judicial authority assuming judicial power in adjudication in accordance with the Constitution and the law.

39. The judiciary enjoys full independence from the legislative and executive branches and is responsible only before the President of the Republic.

40. The administration of the judiciary is vested in a Council known as the "Supreme Council of the Judiciary" which is presided by the "Chief Justice".

41. The functions of the Council include planning for and general supervision of the judiciary and the elaboration of recommendations for the appointment, promotion and termination of service of judges. The law guarantees the financial independence of the judiciary and obliges judges to do justice and to implement the principle of the supremacy of the Constitution and the law. The Constitution binds the State organs to executive judicial judgements.

42. The judicial structure consists of a Supreme Court, which works according to a circular system whereby there is a criminal circle, civil circle and circles for personal matters and administrative objections. Below the Supreme Court come the courts of appeal and the courts of first instance.

43. The judges enjoy safeguards and immunities against any influence in their judgements as well as arbitrary removal. No judge shall be removed save under disciplinary measure and upon a recommendation from the Supreme Council of the Judiciary.

General elections board

44. The Constitution provides for the establishment of an independent "general elections board", whose chairman and members shall be appointed by the President of the Republic with the approval of the National Assembly. They shall be persons of efficiency, impartiality and propriety.

45. The current Elections Board is chaired by a former Deputy Chief Justice and includes in its membership a female and a member from southern Sudan, a retired member of the general police, an administrator and a retired major from the armed forces.

Public grievances and corrections board

46. The Constitution provides for the establishment of an independent body known as the "public grievances and corrections board". The Board shall work to clear grievances, ensure efficiency and purity in the practice of the State and also impart justice after the final decision of the institution of justice without prejudice to the judgement concerned. The Board, in its function, is similar to the ombudsman system.

Human rights safeguards in the Sudan

47. Respect for and protection of human rights in the Sudan derive from the steadfast attachment of Sudanese society to the supreme values, ideas and principles emanating from its spiritual, moral and cultural heritage.

48. Nevertheless, there are strong safeguards for the protection of human rights, which can be summarized as follows:

(a) The proclamation of a new comprehensive Constitution, which entered into force on 30 June 1998, guaranteeing fundamental freedoms and rights. These rights and freedoms shall not be amended save by general popular referendum;

(b) The existence of an independent judiciary, Constitutional Court and Corrections Board;

(c) The ratification by the Sudan of a number of international and regional treaties and the consideration thereof as part of the national legislation;

(d) The incorporation of a number of provisions contained in the international treaties into Sudanese law such as safeguards of fair trial, right to recourse to courts, redress and treatment of prisoners and judicial supervision over detention;

(e) The establishment of legislative organs to monitor the performance of the executive authority on both the federal and the State level through human rights committees, which receive complaints, carry out investigations and conduct visits to detention centres;

(f) The establishment of advisory and coordinating mechanisms including experts and specialists such as the Advisory Council for Human Rights, the National Council for Child Care. These mechanisms assume the function of providing advice to the State organs and follow up the implementation of international and regional accords;

(g) The existence of a free and independent press, which monitors, criticizes and exposes any excess of power by the authorities.

IV. CIVIL AND POLITICAL RIGHTS

A. Right to equality and non-discrimination

49. The Constitution of 1998 provides that Sudanese people are equal in rights and duties and there shall be no discrimination by reason of race, sex or religious creed (art. 21). Articles 3 to 5 of Constitutional Decree 14 of 1997 (Khartoum Peace Agreement) (see annex 2) state that citizenship is the basis of public rights and duties and participation in public life shall therefore be guaranteed for all citizens. Chapter III, sections 5 (1) and (2), of the Agreement stipulate the following:

(a) Participation shall be based on values of efficiency, qualification, honesty, justice, responsibility and equality among all citizens without discrimination;

(b) Southern citizens shall participate in all the federal, political and constitutional institutions in numbers commensurate with the demands of the interim period, taking into consideration the population size and provided that eligibility criteria are met;

(c) Southerners shall have the right to participate in the following federal institutions: Presidency; Council of Ministers; Federal Legislative Assembly; Federal Defence and Security Council; Supreme Court; Federal planning institutions; National Elections Commission; armed forces; and any other federal institutions.

50. Aliens, or non-Sudanese, enjoy the same rights as nationals with the exception of some political rights such as the right to vote and the right to be elected. They enjoy rights such as: right to freedom and sanctity of life (art. 20), right to equality before the courts of law (art. 21), freedom of religion and worship (art. 24), right to sanctity of earning and property (art. 28), right to inviolability of privacy (art. 29 (2)), right to immunity against arbitrary detention (art. 30), right to litigation (art. 31) and right to innocence and fair trial (art. 32).

51. The right of non-discrimination shall not be suspended even in a state of emergency according to article 132 (a) of the Constitution.

B. Right to equality before the law

52. It is a fundamental principle of the Sudanese legal system that all persons are equal before the law and are entitled without discrimination to equal protection of the law.

53. This right to equality before the law has been guaranteed for all those resident within the country, whether Sudanese or otherwise (art. 21). Also the right to litigation shall be guaranteed for all persons and no one shall be denied the right to sue, or be involved in a criminal or civil litigation, save in accordance with legal procedures and rules (art. 31).

54. To ensure the principle of equality before the law, the Constitution binds all the organs of the State to submit to the sovereignty of law and to execute judicial judgements (art. 101 (3)).

55. The Constitution and the Constitutional Court Act of 1996 (see annex 3) give any person aggrieved by any actions taken by the President of the Republic, the Council of Ministers, State governments, or federal or State ministers in violation of human rights the right to challenge such action before the courts of law. Furthermore the Constitutional and Administrative Courts Act of 1996 provides for compensation for any such aggrieved person. Thus, no immunity is given to the acts of public organs according to the legal system of the country.

C. Right to life, safety and security of person

Safety

56. The Constitution stresses that every human being shall have the right to life, freedom and safety of person and dignity and honour save in accordance with the law (art. 20). Also no death penalty shall be inflicted, save as retribution or punishment for extremely serious offences under the law.

57. The Constitution provides for the execution of the death penalty to be suspended in respect of certain categories:

(a) Persons under 18 years of age;

(b) Pregnant or lactating women, save after two years of lactation;

(c) Persons over 70 years of age other than in retribution and prescribed penalties (hudud).

58. In such cases, and in accordance with section 193 of the Criminal Procedure Act 1991, the death penalty shall be replaced by such penalty as the Supreme Court may prescribe.

59. Like many countries of the world, the Sudanese legislature did not abolish the death penalty but restricted it to extremely serious offences and those threatening the safety of society and the rights of its individuals such as murder, drug trafficking and high treason.

60. No death penalty shall be inflicted unless it is confirmed by the Supreme Court and thereafter by the President of the Republic. The President of the Republic may commute the death penalty to imprisonment. The accused person may also petition the President of the Republic for pardon.

61. The death penalty shall not be executed if the relatives of the victim pardon the accused with or without compensation.

62. Owing to the peaceful nature of the Sudanese people, murder cases are not so frequent and the cases in which the death penalty is inflicted are few compared to other societies:

Death penalties, 1989-1998: sentences: 940; executions: 235.

Death penalties imposed on women throughout the history of the Sudan: 4.

Death penalties during 1998: none.

Security of person

63. In an effort to ensure adequate protection for all persons against torture and inhuman treatment, an article has been incorporated in the Constitution to the effect that every human being shall have the right to be free from subjection to slavery, forced labour and humiliation or torture (art. 5).

64. Nobody shall be deprived of his right to liberty save under such grounds and in accordance with such procedures as are prescribed by the law.

65. The Criminal Procedure Act, 1991, stresses that arrested persons should be treated in such a way as to preserve their dignity and guarantee their right to psychological and physical integrity as well as to adequate and appropriate medical care (sect. 83 (1)).

66. Under the provisions of the Criminal Procedure Act, generally persons awaiting trial are not held in custody, since the provisions include a detailed system of release on bail, which is mandatory in many instances.

67. The Treatment of Detainees Regulation contains elaborate provisions for persons deprived of liberty to be treated with humanity and respect for their human rights.

68. Under the prisons system in the Sudan, accused persons are segregated from convicted persons and are subject to separate treatment appropriate to their status as non-convicted persons such as allowing them to wear their ordinary clothes, to receive food from their families and to meet with their legal representatives.

69. The provisions incorporated in the prisons system regulations are consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials and the Principles of Medical Ethics relevant for prison doctors.

70. Juvenile offenders, according to the Criminal Act, receive special treatment aiming at their reformation and social rehabilitation in reform centres designed for that purpose. Also, whilst under investigation accused juvenile persons are separated from adults (sects. 9 and 47 of the Criminal Act).

71. The Sudan Criminal Act punishes any public servant who disobeys any directive of law with intent to cause injury to any person (sect. 89) or abuses his authority by law to commit persons for trial or to confinement (sect. 90).

72. The National Security Act 1995 has been repealed by the National Security Forces Act of 1999 (see annex 4).

73. The new Act is intended to guarantee maximum safeguards for human rights to comply with the new Constitution of 1999.

74. The Act also provides for the judicial authority, the Prosecutor General and the National Assembly as the competent authorities to monitor arrest or detention by law enforcement officers.

75. Article 31 of the Act expressly empowers any security member designated by the Director of the Security Bureau to detain a person only for three days for the sake of investigation. Thereafter, only the Director is authorized to extend that period for not more than one month, after informing the specialized Prosecuting Attorney. As the national security requires, the Director may order the renewal of the detention for a period not exceeding 30 days if evidence has been produced that the detainee has committed an offence against the State, provided that this power of the Director cannot be delegated. The article further provides for the right of the detained person to challenge his detention warrant before a competent judge, who will take the appropriate measures after investigating the reasons for detention.

76. In an unprecedented step, and for the first time, the Act provides for the appointment of a Minister for Security Affairs to be responsible for the proper implementation of the Act before the Council of Ministers and before the National Assembly (Parliament).

77. The same Act punishes the act of torture by imprisonment for a term of up to 10 years (sect. 47). Therefore, any arbitrary action taken by law enforcing officials will not be ignored. Attached to the present report is a list of law enforcement officers who were subjected to criminal proceedings for excessive use of force (see annex 5).

78. Article 42 was amended to the effect that nobody should be detained or arrested save after being informed at the time of arrest or detention of the reasons for the arrest or detention and the charges against him.

79. Under the Evidence Act, 1993, an involuntary confession made as a result of a threat, a promise or other prejudice shall not be received as evidence before the court (sect. 29 (2)).

D. Right to participate in elections, to vote and to be elected

80. Among the public duties set forth in the Constitution is that every citizen shall exercise the rights and freedoms guaranteed for him in the smooth operation of public affairs and for selecting the leadership of the community and the State.

81. The right to vote and to be elected to public office is guaranteed by the Constitution and the Public Elections Act of 1995 (see annex 6).

82. The conditions qualifying a citizen to participate in elections are only the following:

(a) To be a Sudanese national;

(b) To have attained 18 years of age;

(c) To be of sound mind;

(d) To be resident in the relevant constituency for a period of not less than three months at the date of the closure of the election roll.

83. The conditions qualifying a citizen for nomination for the Presidency are:

(a) To be a Sudanese national;

(b) To be of sound mind;

(c) To be at least 40 years of age;

(d) Not to have been convicted within the last seven years of an offence involving honour or honesty.

84. The conditions qualifying a citizen to be a member of Parliament are:

(a) To be a Sudanese national;

(b) To have attained 21 years of age;

(c) To be of sound mind;

(d) To be able to read and write;

(e) Not to have been convicted within the last seven years of an offence involving dignity and honesty.

85. No affiliation by reason of race, colour or religion is required to qualify a citizen to hold any post or to be nominated for any office.

E. Right to freedom of movement and residence

86. The Constitution guarantees for every citizen the right to freedom of movement, residence in, exit from and entry into the country and this freedom shall not be restricted save under safeguards of the law (art. 23).

87. The Passports and Immigration Act of 1993 guarantees for every person lawfully residing in the Sudan the right to freedom of movement and to choose his residence and to leave the country (sects. 10, 12 and 14).

88. The restrictions imposed on the right of freedom of movement are necessary only to protect national security, public order or public morals or the rights and freedoms of others (sect. 20).

89. No Sudanese is deprived of the right to enter and leave his country. A concrete example of this is the fact that a number of the opposition leaders have left the country after obtaining a lawful exit visa despite the prior knowledge of the Government that they are going to conduct hostile activities against the Government abroad. On the other hand, many opposition and rebel leaders have returned to the country without being subjected to any sort of interrogation.

90. There are no requirements for the registration of persons in the Sudan for the purpose of restriction of movements. Also Sudanese legislation does not contain provisions for the deportation of citizens outside the Sudan.

91. Under article 118 of the Constitution, the States are prohibited from taking measures or levying fees that may impede the transit of persons from one State to another.

F. Right to a nationality

92. The Constitution guarantees for every person born to a Sudanese mother or father the inalienable right to enjoy the country's nationality and the rights and obligations that carries with it; whoever is brought up or is resident in the Sudan for several years shall also have the right to nationality as regulated by law (art. 22).

93. Pursuant to the legal system of the Sudan, nationality could be conferred by birth or by naturalization after having lived in the country as an immigrant for a term of five years. Recently, the laws of the Sudan have recognized dual nationality. Neither marriage nor its dissolution changes the nationality of either the spouses or their children.

G. Right to own property

94. The Constitution guarantees for every person the right to own property and to enjoy in privacy his earnings. This right to own property is not confined to money but also extends to the right to intellectual property and scientific, literary and artistic works.

95. There shall be no expropriation of whatever has been gained by way of livelihood - property, land, invention or manual, scientific, literary or artistic production - without fair compensation (art. 28).

96. The Copyright (Protection) Act of 1995 provides for further safeguards for the protection of an author's moral and economic rights (sects. 6, 8 and 13).

97. The legislation affirms what has been laid down in the Constitution as regards the sanctity of property. The Civil Transaction Act of 1984 recognized the right of the owner to use his property and prohibited expropriation save when required by law and provided for just compensation in cases of expropriation (sects. 516-517).

98. The Investment (Encouragement) Act of 1996 provides strong safeguards for the protection of investors against forfeiture and nationalization of their investments.

99. According to the Sudanese judicial system, there is every possibility for anyone aggrieved by an administrative decision to challenge the same before the Administrative and Constitutional Courts in order to obtain decrees of cancellation or compensation whenever the decision challenged has been made arbitrarily or in violation of the law or by abuse of authority (sects. 6 and 29 of the Constitutional and Administrative Judicial Act, 1996).

H. Right to freedom of thought, conscience and religion

100. The Sudan is an all embracing homeland wherein races and cultures come together and religions coexist harmoniously. Islam is the religion of the majority of the population. Christianity and customary creeds have considerable followers (art. 1).

101. Article 6 of the Constitution ensures the spirit of conciliation and national unity between all Sudanese in terms of religion and the eradication of racism. The Constitution guarantees for every person living within the territory of the Sudan the right to freedom of conscience and religion, including the right to declare his religion or creed and manifest the same by way of worship, education, practice and performance of rites or ceremonies. This may be done individually or in community with others, orally or in writing or by any other lawful means.

102. There is no legislation that may oblige anyone to adopt a certain religion or compel him to exercise rituals and ceremonies of a faith different from that to which he belongs. No one shall be coerced to adopt a faith he does not believe in without prejudice to the right to choose one's religion, and subject to the requirements not to cause injury to the feeling of others or to public order, as regulated by law (art. 24).

103. This right has been confirmed by Constitutional Decree No. 14 (Khartoum Peace Agreement), which prohibited the issuance of any legislation that may violate basic rights, including the right to freedom of religion, on the understanding that citizenship and not religion or race is the basis for public rights and duties (arts. 3 and 5). Therefore, the identity cards of citizens do not show their religion.

104. In personal matters like marriage, divorce, inheritance, testaments, etc., different laws apply: Muslims are governed by the Muslims Personal Matters Act of 1991. For non-Muslims, particularly Christians, the courts apply the Personal Matters for non-Muslims Act of 1962. In this respect, documents issued by the Church are fully recognized. Other ethnic or religious groups are governed by their own customs and traditions.

105. By virtue of the Constitution, non-Muslims enjoy full rights in educating their children according to the tenets of their cultures. Every community or group of citizens shall have the right to preserve their particular culture, language or religion and rear their children freely within the framework of their particularity without coercion (art. 27).

106. The Constitution does not stipulate a certain religion for the holding of high decision-making posts including the Presidency of the Republic (see art. 36 of the Constitution).

107. The Criminal Act 1991 imposes penalties for offences relating to insulting religious creed and incitement of feelings of contempt and disrespect against the believers thereof. Also, the same Act does not make conversion from Islam an offence but only the manifestation of such conversion if such manifestation adversely affects public safety (see sect. 126 of the Criminal Act, 1991).

108. The official statistics issued by the Ministry of Social Planning - Administration of Churches Affairs shows that the number of churches in the North exceeds 1,000; educational institutions number only 300; health centres 400; social services centres 140; and farms 30. They employ about 500 Sudanese and non-Sudanese preachers offering services to about 686,474 Christian citizens.

109. Furthermore, recently, a Supreme Council has been established for the purpose of handling the issues of churches and Christian communities in the Sudan.

110. Since the repeal of the Missionary Societies Act of 1962 there are procedures that have to be followed for the legal recognition and authorization of various religious denominations in the Sudan.

111. A practical application of the freedom of religion is the exclusion of the 10 southern States from the application of Islamic laws by section 5 of the Criminal Act, since not all citizens in those 10 States are Muslims, despite the fact that there are more Muslims than Christians in those States (animists constitute the greatest percentage).

I. Right to freedom of opinion and expression

112. Freedom of expression is one of the basic freedoms that is closely linked to the freedom of religion. Therefore, the Constitution guarantees for all citizens the freedom of pursuing any science or adopting any doctrine or opinion or thought without coercion by authority. Also the Constitution provides for freedom of expression, receipt of information, publication and the press, without prejudice to security, order, safety and public morals, as regulated by law (art. 25).

113. Closely related is the Press and Publications Act, 1999 (see annex 7), which regulates the practice of the profession of journalist and guarantees for everyone the right to freedom of expression and receipt of information.

114. The Act provides for the establishment of an independent council called the National Press and Publication Council, which will assume supervision of the general performance of press firms, publications houses and press companies and look into complaints submitted by those aggrieved by the publication of journalistic materials (sect. 6 of the Act).

115. The Act expressly provides for the right of any registered political organization to issue its own newspaper that shall reflect the objects and directives of the organization.

116. The fundamental axis of the Press and Publication Act is that it enhances the self-monitoring of the publication process by journalists themselves through the Press and Publication Council without government interference. It is on this basis that the Act binds journalists to abide by the values and principles of professional conduct as included in the Tablet of Journalistic Honour as recognized by the General Federation of Sudanese Journalists.

117. According to the law, the Independent Press Council is the sole and only body authorized to supervise and monitor the performance of the press profession. Anyone aggrieved by the decisions of the Council is entitled to appeal before a special tribunal designated by the Chief Justice to try cases pertaining to press, printing and publication activities (sect. 129).

Complaints considered by the Complaints Committee of the Press Council

(April 1997-September 1999)

Decision	Number	Percentage
Dismissal	52	26.7
Suspension	42	21.6
Warning	36	18.4
Apology and correction	26	13.3
Advice	20	10.2
Filing	17	8.8
Reprimand	2	1.0
Total	195	100

Suspension within the period from April 1997 to September 1999

Suspensions Decisions	Repetition	Percentage
Political	20	47.6
Social	10	23.8
Sports	12	28.6
Total	42	100

118. The Act prohibited the exposure of any journalist to any sort of illegitimate pressure to influence his judgement, impartiality or commitment to professional duties. He shall never be liable to arrest in lieu of any accusation pertinent to practising his profession unless with prior notice from the Federation of Journalists.

119. The Act also directed the public organs of the State to make the information in their custody accessible to journalists unless the same information was categorized as restricted (sect. 22).

120. In order to ensure the principle of equality, the Constitution stipulates that the General Election Board shall be responsible for the fair and equal introduction of candidates to the electorate by means of public address and communication (art. 28 (2) of the Constitution and sect. 14 of the Elections Act, 1995).

121. There are now 30 newspapers registered within the Press and Publication Council, 10 of which are political newspapers, which monitor and criticize political activity in the country.

J. Right to freedom of peaceful assembly and association

122. The Constitution guarantees for all citizens without discrimination the right to organize political associations without restriction except for the requirement of consultative decision-making and democracy in the leadership of the organization (art. 26 (2)).

123. The logic behind this is to ensure proper democratic practice, which is very different from the bitter experience that the Sudan experienced with political parties since its independence in 1956.

124. To allow for the freedom of political association, the Political Associations (Organizations) Act was enacted in 1998 (see annex 8).

125. The Act was intended to regulate political organizations, their capacity and establishment. For the establishment of a political organization, 100 citizens, qualified for election, can apply for the registration of an organization (sect. 24).

126. Every citizen is entitled to membership in any political organization provided that his position does not require neutrality as to expression of political allegiance (sect. 5).

127. The Act binds any organization to have "basic rules" in accordance with the Constitution and the law. Such rules shall regulate the organizational business and administrative and financial affairs. They shall also include the political principles and objects that characterize the organization (sect. 6).

128. The registration of political organizations shall be vested in a person of efficiency and experience to be appointed by the President of the Republic with the approval of the National Assembly (sect. 7 (1)).

129. For the registration of a political organization, an application, accompanied by the basic rules and a declaration of allegiance to and abidance by the provisions of the Constitution and the law, signed by all the establishing members, shall be submitted to the Registrar. If the application satisfies the constitutional and legal conditions, the Registrar shall decide to register the organization. Otherwise, he shall refuse registration and, in such case, the applicant shall submit another application after satisfying the required condition within a period of two weeks. The decision issued by the Registrar to register or refuse the registration of any organization shall be binding, unless it is contested before the Constitutional Court.

130. The Act excluded from assuming the leadership of an organization anyone who has been convicted of the offence of treason, use of violence or force against the constitutional regime or public law, or of any offence in contravention of honour or honesty for seven years subsequent to the date of conviction unless a legal pardon has been granted (sect. 11).

131. To ensure proper legal practice, the Registrar shall control the work of the organizations by reviewing the existing provisions of the basic rules thereof, the list of leaders and the resource and expenditure accounts and inspect the same in the documents to ascertain compatibility with the law (sect. 16).

132. A practical application of the Political Associations (Organizations) Act is that there are now 17 political organizations registered up to the time of writing this report (see annex 9). It is worth noting in this respect that the former President of the Sudan, Gaafar Numiri, who has been out of the country for 15 years has recently returned and registered a political organization known as the "Working People's Forces Alliance".

V. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A. Right to work

133 The comprehensive national strategy plan of the Republic of the Sudan, is designed to achieve stability, enhance performance and increase production by managing the natural work environment and social and cultural activity and reviewing the role of public relations in order to achieve functional, psychological and social stability, in such a way as to safeguard future families and prevent arbitrariness and personal bias and social and individual stress.

134. In this context, the Sudan Constitution considers "work" an honour as well as a right and duty at the same time (art. 28 (1)) and binds citizens to strive to earn a living, develop cooperation in charity and participate in the duty of national production (art. 35 (1) and (9)).

135. In June 1997, a new comprehensive Labour Act was enacted (see annex 10), repealing the Manpower Act, 1994, the Industrial Relations Act, 1976, the Industrial Safety Act, 1976, and the Individual Labour Relations Act, 1981.

136. The Labour Act of 1997 was intended to regulate private employment, including recruitment offices, apprenticeship training, requirement for the employment of women and juveniles, work contracts, wages, working hours, leave, settlement of disputes in the course of work, after-service benefits, penalties and industrial safety.

137. The main feature of this Act is that it is tailored to the interest of the workers. Any term in the work contract that is inconsistent with the provisions of the Act shall be void unless such term is more favourable to the worker (sect. 81).

138. The Act prohibited deducting wages in case of absence for a legitimate reason, restricted the working hours (sect. 42), except with payment of overtime (sect. 43), provided for the right to leave with full pay (sects. 44 and 49), regulated the conditions of the termination and expiry of the work contract and stipulated early notice before the termination of the contract by the employer save in case of violations committed by the worker (sects. 50 and 53). The employer is bound to refer a dispute to the competent authority before terminating the contract (sect. 60).

139. The Act also gave priority to the payment due to workers over any other debts (sect. 70) and exempted workers from judicial fees before the Labour Court in cases pertaining to the provisions of this Act (sect. 72 (1)). The Act provided that there should be no statute of limitations on the right of the worker to raise a claim in respect of acquired entitlements (sect. 73).

140. In accordance with section 7 (2) of the Public Service Act, 1995 (see annex 11), the bodies competent to manage and develop the public service consist of the following organs:

(a) The Administrative Reform Supreme Council;

(b) The Federal Public Service Commission and the Public Service Selection Committee, in the States;

(c) The Establishment Chambers, within the framework of which the Surplus Manpower Centre operates in accordance with the regulations;

(d) The Administrative Reform Central Organ;

(e) The Sudan Academy for Administrative Sciences;

(f) The Administrative Promotion Centre;

(g) The Public Officials Chambers;

(h) The National Training Administration;

(i) The Public Control and Administrative Evaluation;

(j) Any other organs that the Council of Ministers may establish.

141. The above organs are subject to the supervision of the Minister, in accordance with the provision of section 7 (2) of the Act. Every unit has an administrative organization, covering the objectives, functions and organizational relations, which is approved by the Council of Ministers, upon the recommendation of the Minister.

142. The Act provides in section 9 (1) for the classification, evaluation and arrangement of all the public service posts, the basis of the duties and responsibilities thereof, and the qualifications necessary for the performance thereof, which is approved by the Council of the Ministers, upon the recommendation of the Minister.

143. In accordance with the provision of section 9 (2) of the Act, every unit shall keep a functional description of posts thereof, which are approved in its budget, as specified by the regulations.

144. Posts are established, changed and abolished to meet an actual need for work. The regulations show the bases of establishment, change and abolition and the rules therefor, in accordance with the provisions of section 10 of the same law.

145. Each unit prepares a functional charter, including the numbers of approved posts, the titles and levels thereof, the specification of the duties and the responsibilities of the same, in accordance with the organizational chart, which is approved, by the competent authority (sect. 11 (1)).

Right to freedom of choice of work

146. Chapter IV, section 18, of the Public Service Act, 1995, specifies that selection for public posts shall be by way of free competition, upon the basis of merit, examinations, interviews, or both, as the requirements of work and the various specialization demand. A notice of vacant posts is published in all the possible mass media, with the exception of the leadership posts and posts for promotion, which may be occupied from within the unit, and the regulations specify the contents of the notice, the procedure and term thereof (sect. 19 of the Act).

Principle of equality of wages according to the nature of the work

147. There is given due regard, in specifying salaries, or wages, to the principle of equal pay for equal work, on the basis of the nature of the work, and the difficulty of the duties and responsibilities thereof, and the circumstances in which the work is performed.

Right to obtain increments

148. In accordance with the provisions of section 29 of the Public Service Act, 1995, an employee shall be granted periodic increments, for each year of satisfactory service, up to the maximum of the scale of his post, without prejudice to regulations that specify the bases and rules for granting periodic increments.

Right to award incentives to employees

149. Whereas training is considered important for improving performance, section 42 (1) of the Public Service Act, 1995, provides that training is a functional duty for all employees. Section 42 (2) of the same Act required every unit chief to train employees in the styles of work and the rules that govern the same.

Right of appeal

150. The Public Service Act, 1995, allows, under section 33 (b) thereof, for the purposes of subsection (1), the establishment of an organ to consider grievances of employees, by virtue of a law which specifies the functions and powers thereof. To this end, there has been established chambers at both the federal and the State levels, to consider grievances, which are submitted by or against State organs in all matters relating to service, such as disciplinary boards, promotion, increments and application of the terms of service, etc.

151. The law differentiates between the State and federal powers of the chambers according to the level of the post or work plan, and the nature of the grievance.

Right to annual leave

152. The Sudanese legislature ensured in the Public Service Act, 1995, section 46, the right of employees to be granted annual leave, which shall not be deferred for more than one year. The requirements for enjoying the same, the rules and the conditions of other forms of leave have all been provided for.

Right to obtain leave without pay

153. Section 49 (1) of the Public Service Act, 1995 provides that the authority provided for in subsection 4 may, upon application, grant any employee, other than those in categories excepted by the Council of Ministers by a resolution thereof, leave without pay for a period of two years, provided that the same shall not be inconsistent with the requirements of work, and in such proportion as does not affect performance in the unit. The period of leave without pay may be extended to a third year, as a maximum, for absolute necessity and compelling circumstances (sect. 49 (2)).

Prohibition of arbitrary dismissal

154. By virtue of the provisions of section 7 (1) of the Work Injuries Compensation Act, 1981, no contract of service of any workman shall be terminated by reason of his absence from work, for treatment, by reason of a work injury, until his treatment is complete or his unfitness for service is decided.

B. Right to form and join trade unions

155. Trade organizations, being considered national, democratic and permanent, aim at the following:

(a) Defending the rights and interests of the members and promoting their duties and roles in the light of the laws and requirements of the national economy;

(b) Raising the mental efficiency of members and raising their cultural, economic and social standards;

(c) Supporting production, enhancing services, promoting management and improving work;

(d) Striving at stability, economic and social development and achievement of justice, and mutual help in the society;

(e) Cooperation with the State organs and powers of society to entrench national unity and protect the independence and security of the nation, support the cultural inclinations thereof and accelerate progress towards its ethical ideas and expanding international relations thereof.

156. The Workers Trade Unions Act of 1992 specifies in chapter III thereof, by virtue of section 7 (1), the trade union structure of the following:

(a) Trade unions and any trade associations, subordinate to the unions, or any subsidiary associations arising from trade association;

(b) The general union and State unions.

Freedom to form trade unions

157. Section 9 (1) of the Sudan Workers Trade Unions Act, 1992, provides that workers, in any of the sectors and establishments specified in the regulations, may form among themselves a trade organization.

Fairness of elections of trade unions

158. In accordance with the provisions of section 7 (1) of the Sudan Workers Trade Unions Act of 1992, the elections of trade associations in the Sudan are run with neutrality and independence. The Registrar-General shall, upon the termination of the term of the trade union and prior to elections, establish a supervisory committee for the elections which runs the elections, through a neutral committee.

Right to membership in trade unions

159. No application by any workers to join a trade union or leave it shall be rejected, and membership is effected, by the first application for joining the trade union; the same applies to the presentation of any termination of membership in the trade union.

Dismissal of members from the trade union is prohibited

160. Section 17 (1) of the Sudan Workers Trade Unions Act, 1992, provides that no member shall be dismissed from a trade union or a subsidiary association, save by a resolution therefor adopted by the central or executive committee, as appropriate, by a two-thirds majority of the members, in a proper meeting, after discipline of the member before them in such a manner as may be approved in the basic rules.

Right of dismissed members to appeal

161. The Sudanese legislative provides a member who has been dismissed for any reason with the right to appeal against dismissal before the general assembly, whose decision shall, in this respect, be final.

A union may join another union

162. Under section 9 (5) of the Sudan Workers Trade Unions Act, 1992, any trade union may join any regional, State or international union, by a resolution of its general assembly, on condition that the union approves the same.

163. Also in accordance with the provisions of section 9 (6) of the same Act, a union may join any regional or international union, by a resolution of its general assembly. In order to enhance the living conditions of workers, the Sudanese legislative allows organizations to establish mutual support funds.

164. Safety guarantees are required for workers in the State, and employers are required to take sufficient safety precautions as may be necessary. In the event of an injury which results in death or total or partial disability, the employer shall be bound to pay sufficient and satisfactory compensation, in accordance with the Work Injuries (Compensation) Act, 1981.

165. The law requires employees, also, by insuring themselves, to secure the rights of the employees in case of bankruptcy. The Social Insurance Act, 1991, requires employers to insure workers, without employees bearing any share of insurance expenses. It provides for a pension, to which workers are entitled after pensionable service, and to which their families are entitled after their death.

166. Many pieces of legislation have been promulgated for the protection of special categories:

(a) The Disabled (Care and Rehabilitation) Act, 1984, under the provisions of which a council for the care of the disabled has been established, which includes, in its membership bodies connected with the provision of such care. A fund to subsidize projects for the disabled has also been established. The Act sets out the rights of the disabled, such as customs exemptions and facilitating chances for education, as well as their procedures;

(b) After the phenomenon of vagrancy among juveniles spread, the Juveniles (Care) Act, 1983, was promulgated to establish an experimental council for treatment of the problems thereof;

(c) Under the Child Care National Council Act, 1991, a national council for the care of children has been established to lay down general policies and prepare reports for international organizations in this respect as well as for coordination purposes.

Other organizations

167. Under the various laws of labour organizations, employers may form their own trade unions. Farmers, as well, may form their associations and trade union organs as provided for by the Employers, Farmers and Herdsmen Organizations Act, 1992.

168. Professionals may establish unions to contribute to the promotion of the profession and preserve the ethics thereof, with such basic rules as may be laid down in accordance with provisions of the Sudan Workers Trade Unions Act of 1992.

C. Right to public health and medical care

169. Having realized that physical health and medical care constitute a basic pillar and fundamental element for human development, the Constitution provides as a guiding principle that the State shall promote public health, encourage sports and protect the environment, its purity and natural balance, in pursuance of safety and sustainable development for the benefit of future generations.

170. According to the constitutional distribution of authorities and powers between the federal Government and States, both federal and State organs shall exercise health functions concurrently.

171. The federal organs shall have the power of general planning, appointing and training medical cadres, construction of national health establishments, importing medicines, laying down the general basic standards and coordination on the national level in addition to their functions in combating epidemic disease like malaria and leading immunization and vaccination campaigns (art. 110 of the Constitution).

172. The Government of the Sudan's programme in the medical field is:

(a) Extending basic health care, promotion, protection and rehabilitation in all parts of the country;

(b) Finally eliminating endemic and epidemic diseases;

(c) Rehabilitating and upgrading the efficiency of hospitals, promoting the management thereof and providing beds for the sick in line with the international ratios;

(d) Establishing medical industries for hospital equipment, surgical instruments and medical requirements and laboratory apparatus;

(e) Developing human resources in terms of physicians, technicians, medical assistants, nurses and midwives.

D. Right to education

173. Education is the main tool of social and cultural change and the basis of change in society as a whole. Therefore, religion has assured the place of education in worship and daily life, and has legislated thereon and secured for scientists a place of veneration and honour.

174. One of the first functions of education is its role as a basis for reformation of individuals and society, in the form of faith and nationality, and to supply all citizens with theoretical and functional knowledge, as well as technical and technological skills, capabilities and instincts that enable the achievement of cultural resurrection.

175. It has been stated in the guiding principles of the Constitution that the State shall enlist official capabilities and mobilize popular forces for the purpose of eradicating illiteracy and ignorance and intensifying the systems of education and shall strive to encourage the sciences and scientific research (art. 12).

176. In the same respect, the Constitution states that the policies of education, moral care, national guidance and spiritual cleansing shall be directed to producing good future generations (art. 14).

177. The education programme project, in the Sudan, aims at the establishment of an original educational system, which unifies sources and objectives and covers all the elements of building sound character, and provides it with spiritual and ethical capabilities, which are able to respond to each new position with renewable knowledge. Hence, the idea of making the khalwa and kindergarten an original part of the educational system, and making the basic stage a field for connecting the theoretical and practical sciences.

Basic education

178. Basic education is that amount of education and knowledge which the Sudan may regard as a right of the citizens, and a duty to be provided for. It represents the necessary amount of national learning and capabilities, and spiritual education, and skills and inclinations which an individual has to obtain, at some stage of his life, young or old regardless of sex, religion, social or economic standing, urban or suburban. It is an integrated education, which joins theoretical academic studies and practical activity, for acquiring manual skills and productive capabilities.

179. The basic school in the Republic of the Sudan replaced, in the new educational plan, elementary and intermediate schools. Study therein extends for eight years instead of nine. Lessening of the study period depends upon removing repetition in syllabuses and shortening the period of school holidays, with a view to extending the period of study, and increasing the productive age groups. The basic education programme is based upon:

(a) Achieving full coverage of basic education by the year 2000;

(b) Reaching the compulsory stage, and promulgating legislation therefor;

(c) Adopting a comprehensive syllabus, which espouses theoretical and applied studies and training.

Expansion in the basic schools, 1989-1997

Year	No. of schools	No. of students	No. of teachers
1989	7 720	2 002 317	51 510
1997	13 219	3 394 156	106 894
Percentage increase	71	69	107

Secondary education

180. The secondary education programme in the Republic of the Sudan aims at effecting a revolution, or categorical change in secondary education by making the syllabus of the secondary school inclusive of academic, religious and all types of technical education, in lieu of the existing system, wherein the balance is tipped in favour of theoretical learning. Thus, the comprehensive secondary school covers scientific, literary, religious, commercial and agricultural (botanical and zoological) specializations and general fields.

181. By such comprehensiveness and richness, the aim of raising the coverage of technical education to 60 per cent may be reached in a way compatible with the natural and social environment and that meet the needs of the comprehensive strategy, together with increasing acceptance to secondary schools to fourfold the current number, and raising the percentage of technical education to 60 per cent with reference to the comprehensive secondary school.

Expansion in secondary schools, 1989-1997

Year	No. of schools	No. of students	No. of teachers
1989	578	251 074	6 766
1997	1 382	409 079	13 637
Percentage increase	139	63	102

Higher education

182. Higher education in the Republic of the Sudan represents the summit of the educational pyramid. Therefore, it bears the responsibility of promoting the society, by providing it with philosophical, cultural, vocational, technical, organizational and administrative leaders, as well as preparing successive generations to make a positive contribution in the various aspects of life.

183. Higher education has become the largest of the social institutions, which affects every past, present or future achievement, in discovering the secrets of the universe, and deriving the laws thereof and using its resources, building political and economic power, effecting social change and organizing every aspect of human relations and activities at the various levels - international, State, regional, national and local. Higher education programmes, and the underlying policies, are built on nationwide acceptance to Sudanese higher education institutions and nationwide allotment of scholarships, provided by sisterly and friendly States, to provide a fair chance for all students to compete on the basis of academic ability.

184. The higher education policy assures 2 per cent of the seats in regional universities each year for the region concerned, and other seats for students of less developed regions in more specialized areas including medicine, dentistry, pharmacology, engineering and technological studies.

185. Material support for students is provided through a national fund, which assumes their care, livelihood, housing and transport.

186. There is also a plan which now aims at developing self-financing of the higher education institutions, by establishing investment utilities, belonging to higher education institutions, together with the establishment of a consultancy firm, to conduct feasibility studies pertaining to such investment and benefiting fully from the equipment, existing in such institutions.

Eradication of illiteracy and adult education

187. The eradication of illiteracy and adult education strategy is based on joining the efforts and material kinetic energies of officials and civilians, to liberate the Sudanese society from illiteracy and restricting the source thereof, by concentrating on youth and workers in the productive sectors, from all the States, in such a way as to enable them to promote their productive efficiency and social effectiveness, together with positive values.

The teachers

188. Teachers are considered the most important inputs of the educational process, which requires that they be properly selected from among the best graduates, on the basis of religion, knowledge, morals and character, and prepared and trained to secure reaching a high standard of scientific and professional conduct.

189. The programme to improve the status of teachers included the following:

(a) Amendment of the salary system, to bring it into line with the standards of qualification and responsibility and professional standing, and to secure the continuity of application of the system of open gradation;

(b) Establishment of teachers' institutions, such as hospitals and economic levels;

(c) Development of teacher qualifying and training institutes into specialized university colleges to produce teachers of the basic cycle, and increase in the number of faculties of education in universities to produce and train teachers of the basic cycle;

(d) Widening the chances of post-graduate studies for teachers, in order to qualify them to assume leadership in educational work, in the fields of technical planning and direction, educational management and teaching.

Private education

190. It is the policy of the present Government, since it assumed office, to make education at all the levels a national undertaking and not a private one.

191. The aim of private education is to expand middle-level education and prepare the technological and practical cadres needed in the work market, with a view to filling in the gaps in government education.

192. It has been decided, lately, to upgrade the private and foreign education administration to a general administration, to assume additional tasks, by creating effective machinery, to follow up the implementation of the regulations and decisions, issued by the higher education, in the areas of finance, management and science.

193. Accordingly, a private and foreign education committee has been established by the Higher Education and Scientific Research National Council. One of the most important functions of the committee is to study and evaluate the projects concerning private and foreign education and submitting recommendations to the National Council, to approve them and allow them to commence work in providing studies, at the higher education level.

194. The private universities now existing are: Ahfad University College for Girls; Um Durman Ahlia University; Sudan University College for Girls; Khartoum Applied College; Sharq Al Nil College; Computer Studies College; Africa College; Aviation Sciences College; Khartoum Technology College; Wad Medani Ahlia College; Sudan Open University; and Theology University.

VI. PREVENTION OF DISCRIMINATION

195. The Sudan is a multiracial, multireligious and multicultural country (see annex 12). Muslims constitute the vast majority, and the Arabic language is the only medium of communication between the different racial groups. The federal system applied by the Government and dividing the country into 26 States is the most suitable measure to preserve the ethnic, religious, cultural and linguistic identity of all minorities, as well as providing them with equal economic and political opportunities, reflected in a fair sharing of power and wealth.

196. For the first time in the history of the Sudan, the principle of non-discrimination has been enshrined in the constitutional arrangements, in particular, article 21 of the Sudan Constitution of 1998. According to the "Khartoum Peace Agreement", the Public Election Act and the Constitution, citizenship is the basis of rights and duties in furtherance of the values of justice, equity, freedom and human rights. Also, the Peace Agreement and the Constitution have recognized cultural diversity in the Sudan, and the peoples of the Sudan have been encouraged to express the values of such diversity freely.

197. The Sudan has adopted a common law system, like the United Kingdom, under which the provisions of any treaty to which Sudan is a party become part of domestic law and acquire the same force as national legislation. Also, the Sudan has ratified the Vienna Convention on the Law of Treaties which makes obligations arising from international agreements prevail over

other obligations arising from national laws. Nevertheless, and as a clear commitment of the Government of the Sudan to fulfil its obligation under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Advisory Council for Human Rights decided at its 26th meeting held on 21 December 1994 that the Criminal Act of 1991 should be amended in order to make racial discrimination an offence. The proposed amendment, before the National Assembly, is as follows:

"In the name of Allah, the Gracious, the Merciful

"The Draft Criminal Act (Amendment) 1998

"In accordance with the Sudan Constitution of 1998, the National Assembly has passed and the President of the Republic has signed the following Act.

"Title and commencement

"1. This Act may be cited as 'The Criminal Act (Amendment) 1998' and shall come into force as from the date of its signature.

"Amendment

"2. The Criminal Act 1991 shall be amended as follows:

"(a) In section 3:

After the word 'adult' and the interpretation assigned thereto, the following shall be added:

'Racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including racial superiority or racial hatred. It shall also mean the call for the dissemination of ideas, which aim at impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms according to the rules of law in the political, economic, social or cultural field."

"(b) (i): Section 64 shall be renumbered 64 (1).

(ii): After subsection (1), the following subsection shall be added:

(2) "Whoever calls for or abets the dissemination of ideas based on racial discrimination whether by way of violence or any other way or provides assistance for racial activities including the financing thereof shall be deemed to have committed an offence and shall, upon conviction, be punished with imprisonment for a term not exceeding two years or with a fine or with both."

VII. COOPERATION WITH HUMAN RIGHTS BODIES

198. The Sudan continues to cooperate with all international, regional and local human rights organizations under its obligation to promote, protect and develop human rights understanding. This is clearly reflected in the following:

- The United Nations Special Rapporteur on the situation of human rights in the Sudan, Mr. Gaspar Biro, visited the country five times (1992-1994)

- The United Nations Special Rapporteur on religious intolerance visited the Sudan twice (1995-1996)

- The Sudan extended invitations to the United Nations Special Rapporteur on the right to freedom of opinion and expression and the United Nations Working Group on Contemporary Forms of Slavery

- A delegation of the African Commission on Human and Peoples' Rights visited the country (1-7 December 1996) on a promotional activity mission

- The United Nations Special Rapporteur on the situation of human rights in the Sudan, Mr. Leonard Franco, visited the country (21-27 February 1999)

- The Special Representative of the United Nations Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu, visited the country in March 1999

- The United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. Abid Hussein, visited the country (20-26 September 1999)

- The Sudan submitted its reports as required by the human rights instruments to which it is a party:

  (a) First report on the International Covenant on Civil and Political Rights;

  (b) First report on the International Covenant on Economic, Social and Cultural Rights;

  (c) First report on the African Charter of Human and Peoples' Rights;

  (d) Eight reports on the elimination of racial discrimination;

  (e) Second report on the rights of the child.

VIII. GOVERNMENT POLICIES TOWARDS INTERNALLY DISPLACED PERSONS

199. The Republic of the Sudan is the largest country on the African continent. It is often described as a microcosm of Africa because of the large number of ethnic groups coexisting therein.

200. The language of the majority is Arabic. However, the people of the Sudan also speak hundreds of different languages.

201. In spite of its vast agricultural resources, the country experiences natural disasters such as the drought and desertification problems which struck a great part of the country during the 1900s and are still felt by many people who were forced to flee their own area in search of food and security.

202. The Sudan's major problem is the cruel civil war in some parts of Southern Sudan and recently Eastern Sudan, which has had a great effect on the people as a major cause of population displacement and refugee flows.

203. The drought and the civil war combined together resulted in a large number of internally displaced persons. Those displaced fleeing the civil war in the South, whose number exceeds 3.5 million persons, are settled temporarily and peacefully coexist with other Sudanese in the North.

204. The question of internally displaced persons has been raised repeatedly in relation to the humanitarian situation in the Sudan. It is true that there are political difficulties impeding humanitarian assistance in some areas of Southern Sudan. However, these difficulties are attributable to the rebel forces (Sudan Peoples Liberation Army) and not the Government of the Sudan. The rebel forces are even using the assistance they receive as a means of recruiting innocent civilians for military operations. Those who cannot participate in military operations like the sick and the aged are forced to Government-controlled areas. Moreover, it is the strategy of the rebels to keep the issue of relief alive as long as possible to attract foreign attention.

205. It is by reason of these constraints, and above all because of the priority accorded to assist those in need, especially in the conflict-torn zones, that the Sudan Government has elaborated with the United Nations, since 1988, a new approach to respond to emergency situations. This novel approach, called Operation Life Line Sudan, is based on a new form of cooperation with the United Nations and the international community to facilitate the delivery of humanitarian assistance to those trapped in the war zones. Without this approach, the emergency situation in the Sudan, especially in war zones, would have been catastrophic.

206. The principles of Operation Life Line Sudan are further reaffirmed in the joint agreements and undertakings between the Government of the Sudan and the United Nations and the non-governmental organizations working in the country. Access has been insured for more than 21 destinations in the South by air, as well as by land and river corridors. Further routes are being worked on using in particular the cheap rail and river routes and utilizing grain supplies available from within the country.

207. Internal displacement is a result of a variety of factors: drought and other natural disasters resulting in food shortage, but mainly fighting in some parts of the country. Large numbers have settled temporarily in the border zones between the northern and southern States, particularly Southern Kordofan and Darfur. Others have settled around the major towns further north, particularly the capital, Khartoum, and Omdurman.

208. The total number of the displaced in the different camps is estimated at 487,424 persons, to whom food and non-food items are provided within the framework of the Life Line Operation. However, there are thousands of displaced living on the outskirts of the different cities.

Khartoum State

209. There are four camps for internally displaced persons in Khartoum State. The total number of the displaced persons is 420,000 distributed as follows:

Province	Camp	No. of displaced persons
Khartoum	Peace Camp in Jabal Awliaa	45 000
Khartoum	Mayo Camp	40 000
Omdurman	Peace Camp in Omdurman	100 000
Omdurman	Wad El Bashir Camp	235 000
Total		420 000

Southern Kordofan State

210. The total number of the displaced persons in Southern Kordofan State is 97,824 persons, harboured in 27 peace villages as follows:

Province	No. of displaced persons
Kadogli	22 830
El Dalang	34 251
El Rashad	40 763
Total	97 844

Western Kordofan State

211. The total number of the displaced is 40,900 persons, harboured in the following camps:

Location	No. of displaced persons
Aby Yei	7 300
El Merem	3 500
El Nohoud	8 500
Legawa	21 600
Total	40 900

Southern Darfur State

212. The total number of displaced is estimated at 35,000 harboured in camps distributed over the provinces of El Dein, Buram and Nyala as follows:

Province	Camp	No. of displaced persons
El Dein	Khour Omer	7 460
El Dein	Abu Karanka	2 295
El Dein	El Gudra	1 532
El Dein	Sharif	2 650
El Dein	El Mazroub	1 934
El Dein	Adeela	4 672
El Dein	Gad Elseed	2 036
El Dein	Abu Gabra	4 810
Buram	Gugana	1 712
Nyala	Bileil	5 899
Total		35 000

Policies towards the displaced

213. The Government considers the displaced, in the first place, Sudanese citizens whose unfortunate circumstances have forced them to leave their own area and live in a displaced persons camp on the outskirts of a city. With this understanding, displaced persons are absolutely free to move to anywhere in search of better conditions of living.

214. In this regard, the Government was and is still striving to ameliorate the conditions of the displaced by providing facilities to both international and local organizations working in the field to provide services as well as through its efforts in planning settlement locations to house the displaced.

215. It is the policy of the Government to consider the camps as a transit place where the displaced can be trained and rehabilitated in order that they can be productive. The final goal is to prepare them for resettlement in productive areas. At the same time, the Government is keen to allow those people to enjoy a healthy life in the transit settlements.

216. Programmes are carried out in the camps to inform the displaced about the benefits and importance of work. The objective of these programmes is to train the displaced in different professions and handicrafts which will be useful in future projects to be established in their areas.

217. Cultural activities are usually undertaken inside the camps by voluntary organizations. Such activities are useful to the displaced and promote change among them. The activities include lectures, religious services and exhibitions. There is no ethnic or religious restriction on organizations. All, whether Islamic or Christian, are allowed to organize cultural activities.

218. As regards the repatriation of the displaced, they are repatriated to areas which are secure and where resettlement projects have been established. Resettlement is carried out in

collaboration with the State governments. The displaced freely choose the place where they are repatriated. Emphasis is always on the States where the displaced can find work opportunities.

219. As regard the displaced scattered on the outskirts of cities, they are taken care of by the Shanty Dwellings Administration. Some displaced are given a piece of land in compensation for their shanties after they are destroyed.

The strategy for rehabilitation

220. The strategy is based on:

- Supporting resettlement and rehabilitation programmes by providing facilities for those who want to return to their places of origin;
- Establishing living and income-generating projects;
- Setting up local societies and conducting training programmes for the returnees and displaced persons on methods of increasing production;
- Raising awareness among the displaced and establishing schools, health centres and hospitals inside camps;
- Combating poverty and epidemics in the displaced camps and the peace villages;
- Giving the displaced the absolute freedom to own property and to move to anywhere he deems appropriate for his living;
- Facilitating the work of international and local organizations working in the displaced camps as well as in places of origin.

221. Attached to the present report is a project for the housing of 400 displaced families from the southern States in the State of South Darfur prepared by the Ministry of Social Affairs - Humanitarian Aid Commission (see annex 13). The project document has been submitted to the World Food Programme for funding.

IX. ALLEGATIONS OF SLAVERY IN THE SUDAN

222. For a considerable time, specifically for the few past years, Sudan has been subject to a fierce campaign led by some anti-Sudanese and anti-Islamic propagandists to the effect that slavery and slavery-like practices are widespread in the Sudan.

223. These allegations, led by individuals such as Baroness Cox and groups such as Christian Solidarity International, Christian Solidarity Worldwide and the Inter-Church Coalition on Africa in Canada, have been given wide coverage by newspapers and other media outlets in what can only be described as a coordinated international campaign aimed at least in part at distorting the image of the Sudan as either explicitly or implicitly supporting or condoning these practices in a very dishonest and irresponsible way. Along the same lines, several of the allegations have

additionally attempted to project slavery and slavery-like practices as linked to some sort of Islamic project directed against Christians within Sudan. There have also been attempts to portray the slavery allegations as being racial in nature. It is disturbing in this regard to note that Christian Solidarity International has repeatedly added the term "black" when referring to those enslaved as it attempts to frame the allegations within a non-existent racial context.

224. Paradoxically, Christian Solidarity International and Baroness Cox presented and continued to present reports talking about slavery in the Sudan without being able to provide a single credible piece of evidence to substantiate their allegations. These reports lacked any sense of balance and objectivity and they have served merely to distort further an already difficult situation and had added a further layer of misunderstanding.

225. It is worth noting in this respect that all the foreign agencies that have investigated the allegations against the Sudan have reiterated the absence of slavery and the slave trade. They have instead concluded that the issue is one of child abduction that occurs in armed conflicts among ethnic groups over pasture and water resources, regardless of religious similarity or otherwise and that the disputes had been occurring even before the current Government assumed office. The abductions are not confined to Dinka children alone but affect those of the other ethnic groups.

226. The following foreign parties have visited the Sudan and proved the non-existence of such cases:

- Mr. Harold James, Chairman of the Black Caucus at Pennsylvania State Assembly, United States of America;

- Mr. Tony Dammas, Sheffield, United Kingdom of Great Britain and Northern Ireland;

- Schiller Institute;

- London-based Sudan Foundation (It is worth noting that there has been a lot of Internet communication between the Foundation and Baroness Cox, in which the former disproved the allegations of the latter and challenged her to an open debate in the international media to no avail.);

- London-based Sudan-British Council;

- Mr. Choudry Walayat, Sheffield Police, United Kingdom of Great Britain and Northern Ireland;

- Lord McNair After several visits to the Sudan, Lord McNair, a colleague of Baroness Cox in the House of Lords, issued a detailed report in November 1997, contradicting her claims (see annex 14);

- Mr. Gaspar Biro, former Special Rapporteur on the situation of human rights in the Sudan (1992-March 1998) (He made a number of visits to different areas in the Sudan and could not find any of such cases.);

- Mr. Christian Demille (This French researcher and Chairman of the French Society of Sudanese Studies made positive remarks at a symposium on 3 February 1999 about political developments in the Sudan, in which he refuted the allegations and pretexts of the film telecast by Channel 2 of the French television. He also refuted the possibility of any involvement by the Government of the Sudan in slavery or the slave trade and confessed the existence of reciprocal child abduction among the Arab and southern Nilotic tribes, which are settled in the context of traditional ethnic mechanisms.).

227. On 21 March, the Government of the Sudan issued a press statement in which it confirmed that slavery is expressly prohibited by the Constitution of the Sudan and that the 1991 Criminal Act defines abduction, forced labour, kidnapping, unlawful detention as criminal acts punishable by imprisonment (see annex 15).

228. As a matter of fact, allegations of slavery in the Sudan began to emerge in the mid- and late-1980s in the course of the civil war being fought in southern Sudan between central Government and the Sudan Peoples Liberation Movement/Army (SPLM/A) led by John Garang. In addition to the civil war in the South, the Government inherited the political and military conflict within the Nuba Mountains of the Sudan as a result of arming the tribal militias by the former democratic Government against the incursions made by SPLA in the area in 1985 for food and the forcible conscription of the local young men in order to fight with the movement. The arming of these militias was the direct result of the SPLA's desire to spread the civil war to a new part of the Sudan.

229. Equally, on the other side, SPLA armed the tribes in the area under its control. The armament of tribal militias within areas which had traditionally seen considerable inter-tribal conflict, including raids, abductions and kidnappings, gave a new lease of life to armed conflicts between traditional rivals such as the Baggara and the Dinka, which were armed with modern, automatic weapons and encouraged to attack each other.

230. Those armed conflicts date back centuries, and are caused by mobility in search for pastures and water. They usually result in killings and child abduction by the conflicting parties. These negative consequences were usually resolved through reconciliation according to prevailing ethnic norms. Meanwhile, the Government seeks to prevent their occurrence and encourages tribal initiatives for reconciliation, provides the necessary financial resources and investigates pertinent charges.

231. However, the rebel movement attack on the Rizeigat (Arabized western tribes, originally nomads in Darfur), a subgroup of the Baggara, in the year 1987 at Bahr el Arab was the match which sparked the flame of tribal conflict with the Dinka. The attack of the rebels on the Rizeigat resulted in the looting of cattle, killing of men and kidnapping of women and children. During withdrawal from the rebel attacks, the Rizeigat attacked the displaced Dinka at El Dein on 25 March 1987, killing and abducting Dinka in an incident known as the El Dein massacre. It

has been estimated that more than 5,000 Dinka children were abducted in these incidents. In the same year, Dinka tribal chiefs formed a committee of 15 members (known as the Dinka Committee) to work on the tracing and reunifying of the Dinka children abducted by the Rizeigat in El Dein province in South Darfur State.

232. This was the appalling situation within parts of the southern and western areas of the Sudan in the Nuba Mountains out of which allegations of slavery began to emerge before the present Government assumed power in 1989.

233. The position of the Government on slavery and slavery-like practices was very clear from the very beginning. It stated that the Sudan is a signatory to several key international conventions outlawing slavery. These include the Slavery Convention of 25 September 1962, as amended by the New York Protocol of 7 December 1953 and the supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.

234. Shortly after coming to power, the Government moved quickly to address the status and activities of the tribal militias. In November 1989, the Government passed the Popular Defence Forces Act in a step to absorb the militias into the Popular Defence Forces in order to centralize, control and structure them in a disciplined and organized manner.

235. The Government, however, after the adoption of Commission on Human Rights resolution 1999/15 on the situation of human rights in the Sudan, adopted by consensus in April 1999, committed itself to facilitating the safe return of abducted women and children in the tribal conflicts and to eliminate the roots of the problem. To honour this commitment, the Minister of Justice issued in May a Ministerial Decree creating the Committee for the Eradication of Abduction of Women and Children (CEAWC) (see annex 16).

236. The Committee included members from the conflicting tribal groups of Dinka and Baggara as well as other members of Sudanese non-governmental organizations.

237. The Committee has ex officio officers from the offices of the Attorneys' General in all the target States of Kordofan, Darfur and Bahr el Ghazal. The Dinka Chiefs Committee has as well been accommodated within CEAWC.

238. On 30 May 1999 CEAWC held a brain-storming workshop attended by the European Union and the United Nations Children's Fund (UNICEF) and full attendance of representatives from the States affected by the problem.

239. In collaboration with the UNICEF Sudan Country Office, CEAWC organized a three-day workshop at Friendship Hall, Khartoum. The objective of the workshop was to formulate a comprehensive work plan with a time frame and budget for CEAWC to resolve the problem of the abduction of women and children in two ways:

(a) To facilitate the safe return of affected women and children;

(b) To address the root causes of abduction.

240. The workshop was attended by a wide range of participants from the Government of the Sudan, Sudanese and international non-governmental organizations, United Nations agencies, tribal and community leaders from the affected areas, women's and other civil society organizations and representatives from Western embassies in Khartoum.

241. The workshop adopted participatory brain-storming to arrive at the following underlying causes:

- Tribal and armed conflicts that repeatedly lead to the abduction of women and children;
- Poor interaction between tribes;
- Strengthening State presence and law enforcement in remote areas;
- Conflict of interests and competition over resources;
- Negative foreign interference;
- Socio-economic underdevelopment;
- The need to build the country's capacity to resolve conflicts.

The workshop participants reached a consensus to pursue the following aims during the period 2000-2002.

242. Overall goal: To enhance human rights, peace-building, and development and to achieve stability and national unity.

243. Specific programme goal: Total return, with an immediate end to any deterioration in the current situation in order to eradicate completely the abduction of women and children and to address the root causes of the problem.

244. Outputs:

- The establishment and development of an institutional structure incorporating governmental, community and voluntary institutions to realize the stated objectives at the federal, State and local levels.
- The creation of a cultural and social environment which allows for the identification of the abductees, their return to their families, their rehabilitation in preparation for their reintegration into their original communities.
- Comprehensive and balanced development in order to initiate positive cultural and social changes in the targeted areas.

- Spreading a culture of peace and the formulation of positive cultural and educational programmes to discourage the practice of abductions and its root causes in order to change the deviant behaviour of some people which encourages abduction and related practices.

- The establishment of security and safety and the spread of legal awareness including respect for human rights in the targeted areas. The reinvigoration of customary laws protective of children and women in conflict situations and the respect of civilians, including protection against mines.

- Consolidation and expansion of interaction and understanding with the international community in order to create understanding and equitable cooperation.

245. To accomplish the objectives, the following programme of interventions is now being developed into fully fledged proposals:

- Institution-building, organizational development and capacity-raising of CEAWC, its liaison officers and partners in the affected areas, including tribal groups;

- Fully-fledged return operations for women and children, coupled with rehabilitation and proper reception at places of origin;

- Rural development targeting the economic roots of the problem and the best interests of the affected women and children through poverty alleviation, income-generation, infrastructure, job creation and the promotion of a healthy development environment in all affected regions;

- Preparation for more active law enforcement by enhancing legal awareness among tribes, the incorporation of international agreements in Sudanese law, the development of local capacities to resolve conflicts and develop their coping mechanisms and strengthen the presence of well equipped forces of law in the affected regions;

- Increased interaction with the international community to reflect on the efforts of CEAWC in addressing the effects and causes of the abduction of women and children through workshops, visits, the Internet, brochures, leaflets, documentaries, etc.

246. CEAWC has issued a number of press releases on its activities.*

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* The press releases are available for consultation in the Secretariat's files.

LIST OF ANNEXES

1.	The Sudan Constitution	(English)
2.	Khartoum Peace Agreement	(English)
3.	Constitutional Court Act	(Arabic)
4.	National Security Forces Act	(Arabic)
5.	Law Enforcement Officers Subjected to Criminal Proceedings for Excessive Use of Force	(Arabic)
6.	Public Elections Act	(Arabic)
7.	Press and Publications Act	(Arabic)
8.	Political Associations (Organizations) Act	(Arabic)
9.	List of registered political organizations	(Arabic)
10.	Labour Act	(English)
11.	Public Service Act	(Arabic)
12.	Ethnic distribution in the Sudan	(Arabic)
13.	Project for housing 400 displaced families	(Arabic)
14.	The McNair report on slavery and slavery-like practices in the Sudan	(English)
15.	Statement on slavery	(English)
16.	Order of the Minister of Justice Establishing the Committee for the Eradication of Abduction of Women and Children	(English)